

Calendar No. 384

103D CONGRESS
2D SESSION

S. 1458

[Report No. 103-202]

A BILL

To amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes.

MARCH 9 (legislative day, FEBRUARY 22), 1994

Considered: ordered modified and referred to the Committee on the Judiciary not to exceed one calendar day

MARCH 9 (legislative day, FEBRUARY 22), 1994

Committee on the Judiciary discharged pursuant to the order of March 9 (legislative day, February 22), 1994, and placed on the calendar

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IN THE SENATE OF THE UNITED STATES

SEPTEMBER 14 (legislative day, SEPTEMBER 7), 1993

Mrs. KASSEBAUM (for herself, Mr. BENNETT, Mr. BOND, Mr. BROWN, Mr. BURNS, Mr. COATS, Mr. DANFORTH, Mr. DOLE, Mr. EXON, Mr. GLENN, Mr. GORTON, Mr. GRASSLEY, Mr. GREGG, Mr. HATCH, Mrs. HUTCHISON, Mr. JEFFORDS, Mr. KERREY, Mr. KERRY, Mr. LOTT, Mr. LUGAR, Mr. MACK, Mr. MCCAIN, Mr. MURKOWSKI, Mr. PRESSLER, Mr. ROCKEFELLER, Mr. SIMPSON, Mr. SMITH, Mr. THURMOND, Mr. WARNER, Mr. BOREN, Mr. PELL, Mr. CHAFEE, Mr. MATHEWS, Mr. INOUE, Mr. NICKLES, Mr. WALLOP, Mr. FAIRCLOTH, Mr. D'AMATO, Mr. LIEBERMAN, Mr. DURENBERGER, Mr. CRAIG, Mr. KEMPTHORNE, Mr. GRAMM, Mr. DODD, Mr. COCHRAN, Mr. DOMENICI, Mr. HELMS, Mr. HATFIELD, Mr. COVERDELL, Mr. McCONNELL, and Mr. STEVENS) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

NOVEMBER 20 (legislative day, NOVEMBER 2), 1993

Reported by Mr. HOLLINGS, without amendment

MARCH 9 (legislative day, FEBRUARY 22), 1994

Considered; ordered modified and referred to the Committee on the Judiciary
not to exceed one calendar day

MARCH 9 (legislative day, FEBRUARY 22), 1994
Committee on the Judiciary discharged pursuant to the order of March 9
(legislative day, February 22), 1994, and placed on the calendar

A BILL

To amend the Federal Aviation Act of 1958 to establish time limitations on certain civil actions against aircraft manufacturers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “General Aviation Revi-
5 talization Act of 1994”.

6 **SEC. 2. TIME LIMITATION ON CIVIL ACTIONS AGAINST AIR-**
7 **CRAFT MANUFACTURERS.**

8 Title XI of the Federal Aviation Act of 1958 (49
9 U.S.C. App. 1510–1518) is amended by adding at the end
10 the following new section:

11 **“SEC. 1119. TIME LIMITATION ON CIVIL ACTIONS AGAINST**
12 **AIRCRAFT MANUFACTURERS.**

13 “(a) IN GENERAL.—Except as provided in subsection
14 (b) of this section, no civil action for damages for death
15 or injury to persons or damage to property arising out
16 of an accident involving a general aviation aircraft may
17 be brought against the manufacturer of the aircraft or the

1 manufacturer of any component, system, subassembly, or
2 other part of the aircraft, if the accident occurred—

3 “(1) more than 18 years after—

4 “(A) the date of delivery of the aircraft to
5 its first purchaser or lessee, if delivered directly
6 from the manufacturer; or

7 “(B) the date of first delivery of the air-
8 craft to a person engaged in the business of
9 selling or leasing such aircraft; or

10 “(2) with respect to any component, system,
11 subassembly, or other part which replaced another
12 product originally in, or which was added to, the air-
13 craft, and which is alleged to have caused the claim-
14 ant’s damages, more than 18 years after the date of
15 the replacement or addition.

16 “(b) EXCEPTIONS.—Subsection (a) of this section
17 does not apply—

18 “(1) if the claimant pleads with specificity the
19 facts necessary to prove, and proves by clear and
20 convincing evidence that the manufacturer with re-
21 spect to certification or obligations with respect to
22 continuing airworthiness of an aircraft or aircraft
23 component knowingly misrepresented to the FAA, or
24 concealed or withheld from the FAA, required infor-
25 mation that is material and relevant to the perform-

1 ance or the maintenance or operation of such air-
2 craft or component that is causally related to the
3 harm which the claimant allegedly suffered;

4 “(2) if the person for whose injury or death the
5 claim is being made is a passenger for purposes of
6 receiving treatment for a medical or other emer-
7 gency; or

8 “(3) if the person for whose injury or death the
9 claim is being made was not aboard the aircraft at
10 the time of the accident.

11 “(c) GENERAL AVIATION AIRCRAFT DEFINED.—For
12 the purposes of this section, the term ‘general aviation air-
13 craft’ means any aircraft for which a type certificate or
14 an airworthiness certificate has been issued by the Admin-
15 istrator, which, at the time such certificate was originally
16 issued, had a maximum seating capacity of fewer than 20
17 passengers, and which was not, at the time of the accident,
18 engaged in scheduled passenger carrying operations as de-
19 fined under regulations issued under this Act.

20 “(d) RELATIONSHIP TO OTHER LAWS.—This section
21 supersedes any Federal or State law to the extent that
22 such law permits a civil action described in subsection (a)
23 to be brought after the applicable deadline for such civil
24 action established by subsection (a).”.

1 **SEC. 3. CONFORMING AMENDMENT.**

2 The table of contents contained in the first section
3 of the Federal Aviation Act of 1958 is amended by adding
4 at the end of the matter relating to title XI of such Act
5 the following:

“Sec. 1119. Time Limitation on Civil Actions Against Aircraft Manufacturers.

“ (a) In general.

“ (b) Exceptions.

“ (c) General aviation aircraft defined.

“ (c) Relationship to other laws.”.